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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/30/2024

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Via ECF

October 29, 2024

Hon. Margaret M. Garnett
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

In re: *Feraru v. Citibank, N.A.*
Case No.: 1:24-cv-04542-MMG

Dear Hon. Margaret M. Garnett:

This office represents Plaintiff in the above-referenced matter. The purpose of this letter is to formally request for an extension of time to issue and serve the summons upon Defendant Citibank, N.A., pursuant to the Order from this Court dated August 23, 2024.

As an initial matter, I respect this Court and its time, and any delay or failure to timely file the Complaint in this instant matter is not an attempt to unreasonably delay litigation, and instead, is the result of reasonable law office failure, as my office has recently underwent a physical relocation and has experienced technical difficulties among other logistical complications associated with a relocation.

As this Honorable Court knows, “[t]o establish good cause for an untimely filing, a party must show that he exercised due diligence or ordinary prudence under the particular circumstances of the case. [The party] must also establish good cause for his failure to seek an extension in advance of the filing date.” *Luther v. Dep’t of Def.*, No. DC-315H-00-0090-I-1, 2001 WL 880721 (M.S.P.B. Aug. 1, 2001) (internal citations omitted).

Further, the determination of good cause inquires “whether [the party] has done so, the [Court] will consider, among other factors, the reasonableness of the party's excuse, the nature of the showing of diligence, and whether [the party] presented evidence of the existence of circumstances beyond his control, unavoidable casualty or misfortune that affected his ability to comply with the time limits. In addition, the [Court] must consider the length of the delay in every good cause determination.” *Id.* (internal citations omitted).

Once again, we apologize to both this Honorable Court and opposing counsel with respect to any and all delays in timely responding to the Order filed in this instant matter. As previously discussed, any failure to timely issue the summons in this instant matter was not willful, as my law office, since the commencement of this action, has underwent *multiple* physical relocations, which has involved an extensive overhaul in both of the client and file management systems with respect to the new amenities provided within the new locations.

Regrettably, substantial change in both location and general upsizing of the law office has included technical difficulties that have limited our ability to receive and track active applications through ECF Bounces, placing my law office in the unenviable position of inadvertently losing track of our federal matters.

However, my law office is now currently settled in what looks to be a permanent location for the foreseeable future, and we fully intend to perform the necessary steps pursuant to moving this litigation forward.

Therefore, in light of the above-mentioned circumstances, my office requires additional time to issue and serve the summons in this matter so that this matter can be fully briefed and appropriately litigated pursuant to resolving this matter on its merits.

Again, I sincerely apologize for any delays. However, with the above-mentioned interventions, any recurrence of such delays is highly unlikely—*especially* given the gravity of our client's—i.e., the undersigned's—meritorious claims, which, with respect to the traditional notions of fair play and justice, should be heard on their merits.

Thank you for your time and understanding in this instant matter.

Respectfully submitted,

/s/ Victor M. Feraru
Attorney for Plaintiff

Application GRANTED. It is hereby ORDERED that Plaintiff shall properly request issuance of a summons, by no later than **November 8, 2024**. Once a summons has been properly requested and issued, Plaintiff must promptly serve Defendant Citibank, N.A. and file proof of such service on the docket within **three business days of service**. In the event a summons has not been properly requested and issued by **November 8, 2024**, this case will be dismissed for failure to prosecute without further notice to any party. The Clerk of Court is respectfully directed to terminate Dkt. No. 9.

SO ORDERED. Dated October 30, 2024


HON. MARGARET M. GARNETT
UNITED STATES DISTRICT COURT

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